

1 COUGHLIN STOIA GELLER
2 RUDMAN & ROBBINS LLP
3 SHAWN A. WILLIAMS (213113)
4 100 Pine Street, Suite 2600
5 San Francisco, CA 94111
6 Telephone: 415/288-4545
7 415/288-4534 (fax)
8 shawnw@csgrr.com
9 – and –
10 TRAVIS E. DOWNS III (148274)
11 BENNY C. GOODMAN III (211302)
12 655 West Broadway, Suite 1900
13 San Diego, CA 92101
14 Telephone: 619/231-1058
15 619/231-7423 (fax)
16 travisd@csgrr.com
17 bgoodman@csgrr.com

E-FILED 5/13/09

18 Lead Counsel for Plaintiff

19 [Additional counsel appear on signature page.]

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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1 WHEREAS, on April 22, 2009, the Court entered its Stipulation and Order re Briefing
2 Schedule and Vacating May 12, 2009 Hearing;

3 WHEREAS, the parties have continued to meet and confer regarding a resolution and have
4 made substantial progress toward a settlement of the above captioned litigation;

5 WHEREAS, the parties are currently drafting settlement papers and expect to submit said
6 papers to the Court soon;

7 NOW THEREFORE, it is hereby agreed between the parties through their respective counsel
8 of record that, subject to the approval of the court as follows:

- 9 1. All proceedings regarding the pending motion to dismiss shall remain stayed; and
10 2. The parties shall submit settlement papers in June 2009.

11 DATED: May 12, 2009

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
SHAWN A. WILLIAMS

14 _____/s/
15 SHAWN A. WILLIAMS

16 100 Pine Street, Suite 2600
17 San Francisco, CA 94111
18 Telephone: 415/288-4545
19 415/288-4534 (fax)

20 COUGHLIN STOIA GELLER
21 RUDMAN & ROBBINS LLP
22 TRAVIS E. DOWNS III
23 BENNY C. GOODMAN III
24 655 West Broadway, Suite 1900
25 San Diego, CA 92101
26 Telephone: 619/231-1058
27 619/231-7423 (fax)

28 Lead Counsel for Plaintiff

29 THE WEISER LAW FIRM, P.C.
30 ROBERT B. WEISER
31 121 N. Wayne Avenue, Suite 100
32 Wayne, PA 19087
33 Telephone: 610/225-2677
34 610/225-2678 (fax)

35 Additional Counsel for Plaintiff

1 DATED: May 12, 2009

LATHAM & WATKINS LLP
PATRICK E. GIBBS

3 _____
4 /s/
PATRICK E. GIBBS

5 140 Scott Drive
Menlo Park, CA 94025-3656
6 Telephone: 650/328-4600
7 650/463-2600 (fax)

8 LATHAM & WATKINS LLP
ELLEN KINSLEY BROWN
9 505 Montgomery Street, Suite 2000
San Francisco, CA 94111-2562
Telephone: 415/395-8289
10 415/395-8095 (fax)

11 Attorneys for Defendants

12 I, Shawn A. Williams, am the ECF User whose ID and password are being used to file this
13 Joint Case Status Report and [Proposed] Order. In compliance with General Order 45, X.B., I
14 hereby attest that Patrick E. Gibbs has concurred in this filing.

16 _____
17 /s/
18 SHAWN A. WILLIAMS

19 * * *

20 **O R D E R**

21 IT IS SO ORDERED.

22 DATED: 5/13/09

23 _____
24 THE HONORABLE RICHARD SEEBORG
25 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 12, 2009.

/s/

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
100 Pine Street, 26th Floor
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

E-mail: Shawnw@csgrr.com

Mailing Information for a Case 5:06-cv-05330-RS

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Aelish Marie Baig**
AelishB@csgrr.com,khuang@csgrr.com
- **Ellen Kinsley Brown**
ellen.brown@lw.com,#sfdocket@lw.com
- **Travis E. Downs , III**
travisd@csgrr.com,e_file_sd@csgrr.com
- **David Christopher Fortney**
david.fortney@lw.com
- **Patrick Edward Gibbs**
patrick.gibbs@lw.com,svdocket@lw.com,zoila.aurora@lw.com
- **David Martin Goldstein**
dave@daveglaw.com,marlene@daveglaw.com
- **Benny Copeline Goodman , III**
bennyg@csgrr.com,e_file_sd@csgrr.com
- **Maria V. Morris**
mmorris@rbg-law.com
- **Shawn A. Williams**
shawnw@csgrr.com,jdecena@csgrr.com,travisd@csgrr.com,e_file_sf@csgrr.com,cwood@csgrr.com,e_file_sd@csgrr.com,aelishb@csgrr.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Darren Jay Robbins
Coughlin Stoia Geller Rudman & Robbins LLP
655 West Broadway
Suite 1900
San Diego, CA 92101

Monique C. Winkler
Coughlin Stoia Geller Rudman & Robbins LLP
100 Pine Street, Suite 2600
San Francisco, CA 94111